



28/11/22

EMPLOYMENT TRIBUNALS  
London Central Region

Claimant: Mr H Musonza

Respondent Priory Group Partnerships in Care Ltd

JUDGMENT

On the Respondent's application dated 16/5/22 and by way of reconsideration the judgment sent to the parties on 29/4/22 is revoked.

By 12/12/22 the Respondent shall pay the Claimant £427.80 for his wasted preparation time.

REASONS

1. The judgment was entered because the notice of the PH on 1/4/22 was not brought to the attention of any person with conduct of the matter on behalf of the Respondent, as a consequence of the Respondent's failure to maintain an effective email address with the Tribunal following the departure of the previous case-worker. The Respondent applied promptly for reconsideration after it became aware of the judgment. It would be a disproportionate response to maintain what would otherwise be a substantial (in excess of £30000) judgment. The Claimant contends that when after receiving the default judgment he deleted text messages and other evidence. If that is so it was a rash act as any judgment is susceptible to a reconsideration application. The Respondent has a reasonable triable defence to the claims and any other prejudice to the Claimant can be remedied by a preparation time order. A fair trial is still possible. I have taken account of the parties' representations and have dealt with the application on the papers in accordance with the Claimant's suggestion. It is in the interests of justice that the judgment be revoked and the case proceed on its merits.
2. However, the Respondent has conducted the defence unreasonably and it is appropriate to make a preparation time order to compensate the Claimant for his reasonable time wasted as a consequence. I have considered the Claimant's claimed times which in my view are excessive. I do not agree entirely with the Respondent's submissions about this either and award by way of summary assessment a total of 10 hours at £41 per hour for time reasonably spent by the Claimant on preparing for and attending the CVP hearing on 1/4/22, applying for judgment, drafting and lodging on 10/5/22 his schedule of loss required for purposes of quantifying the judgment, and dealing with the Respondent's application for reconsideration; plus £17.80 postage charges, which was wasted by the Respondent.

J S Burns Employment Judge  
London Central  
28/11/2022

For Secretary of the Tribunals  
Date sent to parties : 28/11/2022

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